



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8627

October 9, 2018

VIA ECF AND HAND DELIVERY

Hon. Margo K. Brodie  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East, Courtroom 6F  
Brooklyn, NY 11201

RE: *Capogrosso v. Gelbstein et al.*, No. 18-cv-2710 (E.D.N.Y.)

Dear Judge Brodie:

On behalf of defendants Gelbstein, Vahdat, Traschen, Morgan (formerly Prickett-Morgan), Calvo, Flanagan and Palmieri (collectively, the "State Defendants") in the above-referenced action, and pursuant to Your Honor's Individual Rule 3.D., I am enclosing courtesy copies of the following papers submitted in connection with the State Defendants' motion to dismiss the Verified Complaint, all of which are being electronically filed on ECF pursuant to the Court's "bundling" rule:

- The State Defendants' Notice of Motion, dated August 16, 2018;
- The State Defendants' Memorandum of Law in Support of the State Defendants' Motion to Dismiss the Complaint, dated August 16, 2018;
- The State Defendants' Declaration of Barbara Montena, dated August 16, 2018, with exhibits 1-28 thereto;
- The State Defendants' Declaration of Mark Siegmund, dated August 16, 2018, with exhibits 1-7 thereto;
- Plaintiff's Memorandum of Law in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss, dated September 27, 2018;

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- Plaintiff's Declaration of Mario H. Capogrosso in Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint, dated September 27, 2018, with exhibits A-G thereto;
- Plaintiff's Affirmation of Service, dated September 28, 2018; and
- Reply Memorandum of Law in Further Support of the State Defendants' Motion to Dismiss the Complaint, dated October 5, 2018.

Respectfully submitted,

/s/ Mark Siegmund

Mark Siegmund  
Assistant Attorney General

Encls.

Cc: Mr. Mario H. Capogrosso (via First-Class Mail) (enclosing State Defendants' reply papers only)  
21 Sheldrake Place  
New Rochelle, NY 10804

Mr. David Smart (via First-Class Mail) (enclosing State Defendants' reply papers only)<sup>1</sup>  
2875 West 8th Street  
Brooklyn, NY 11229

Mr. Sadiq Tahir (via First-Class Mail) (enclosing State Defendants' reply papers only)  
2875 West 8th Street  
Brooklyn, NY 11224

Hon. Lois Bloom (w/out Enclosures, pursuant to Judge Brodie's Rule 3.D.)  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

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<sup>1</sup> The State Defendants' opening papers were previously served on Plaintiff and defendants Smart and Tahir.